



Department of Energy

Richland Operations Office
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92-RPB-045

Ms. Dana A. Rasmussen
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Mr. Chuck Clarke, Director
State of Washington
Department of Ecology
Post Office Box 47600
Olympia, Washington 98504-7600

Dear Ms. Rasmussen and Mr. Clarke:

HANFORD SITE COMMENTS ON THE DRAFT PERMIT FOR THE TREATMENT, STORAGE, AND DISPOSAL OF DANGEROUS WASTE FOR THE HANFORD FACILITY

The U.S. Department of Energy, Richland Field Office (RL), Westinghouse Hanford Company (WHC), and Pacific Northwest Laboratory (PNL) (hereinafter termed the commenters) have jointly prepared and are formally submitting the enclosed document entitled "Hanford Site Comments on the Draft Permit for the Treatment, Storage, and Disposal of Dangerous Waste for the Hanford Facility" (hereinafter termed the Comment Document). The Comment Document was prepared in response to the public review period initiated on January 15, 1992, and is being submitted to meet the respective obligations of RL, WHC, and PNL under 40 CFR Part 124 and WAC 173-303-840(6).

The Comment Document is organized using the same heading, page, and line numbering system as the Draft Hanford Facility Dangerous Waste Permit (hereinafter termed the Draft Permit) and addresses the permit conditions in sequence. Each comment is divided into two major parts: (1) Comment/Action, a statement of the comment and the action proposed to satisfactorily address the comment; and (2) Justification, a discussion of the rationale upon which the comment/action is based. The majority of comments are based on one or more of the following five criteria, discussed in more detail in the General Comments section of the enclosed Comment Document:

1. Regulatory Authority: The permit conditions should be narrowly tailored and well-founded on the regulatory requirements and authorities.
2. Appropriate Level of Control: The permit conditions should not go beyond what is considered to be an appropriate level of regulatory control. This level of control generally has been defined as that necessary to ensure compliance with applicable regulations and requirements.

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3. State-wide Consistency of Regulatory Requirements: The permit conditions should be consistent with those found in other State of Washington permits. The conditions must not be discriminatory in the manner they are applied to the Hanford Facility.
4. Consistency with the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement): The permit conditions should be consistent with the express provisions and mutual expectations of the Tri-Party Agreement. The conditions must not place RL, through its own actions, or those of its contractors, in a position where a condition of the permit can only be met by a violation of a Tri-Party Agreement requirement.
- ↑ 5. Management Efficiency and Cost Effectiveness: The permit conditions should minimize impact on management efficiency and cost effectiveness.

The commenters' review indicates that most conditions within the Draft Permit do not adequately satisfy these criteria and that a major revision is required to produce an acceptable product. Therefore, the commenters are requesting that the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) withdraw the current Draft Permit, prepare a new draft permit, and reissue it for public comment at a future time. This request is provided pursuant to the Washington Dangerous Waste Regulations under provision WAC 173-303-840(7).

The commenters recognize that this request may be viewed as jeopardizing the start of construction of the Hanford Waste Vittrification Plant (HWVP) by April 1992. However, the ramifications of this permit are so far reaching that the commenters consider this action justifiable and necessary. The HWVP milestone could be met by allowing site preparation to begin as an expansion of capacity under interim status and the commenters are requesting that the regulators reconsider this option.

If the permit is issued as it now stands, it is likely that the permit will be appealed for conditions relating to the following major issues: 1) permitting approach; 2) designation of the permittee; 3) regulatory agency authority; 4) jurisdiction over radioactive materials; 5) onsite waste movement; 6) mapping/marketing of underground pipelines; 7) RCRA/CERCLA integration; 8) design and construction impact; 9) relationship between the Tri-Party Agreement and the permit; 10) incorporation of documents; 11) facility-wide requirements; and 12) corrective action provisions in the permit. Further information on these issues, and the commenters' proposed recommendations for their resolution, are contained in the General Comments section of the enclosed Comment Document.

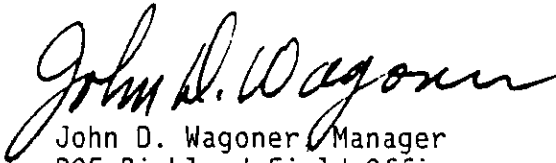
The issues cited above are not new, and have previously been discussed in correspondence transmitted to you on August 29, 1990, June 10, 1991, August 2, 1991, August 28, 1991, September 18, 1991, October 19, 1991, and January 14, 1992. The commenters would prefer to conduct further negotiations with Ecology and EPA on these issues, and other issues, in order to avoid


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lengthy legal entanglements. Such negotiations will be possible if the permit were to be withdrawn and reissued pursuant to the provisions of WAC 173-303-840(7). These negotiations should begin with a mutual understanding among the commenters, Ecology, and EPA of the five criteria outlined above so that permit issues can be objectively and consistently discussed and evaluated.

If you have further questions regarding the contents of this letter or the enclosure, please contact Mr. R. D. Izatt of RL on 376-5441, Mr. H. E. McGuire of WHC on 376-1400, or Mr. T. D. Chikalla of PNL on 376-2239.

Sincerely,


John D. Wagoner, Manager
DOE Richland Field Office


T. M. Anderson, President
Westinghouse Hanford Company


W. R. Wiley, Director
Pacific Northwest Laboratory

Enclosure

cc w/o encl:

P. T. Day, EPA

D. L. Duncan, EPA

M. A. Getchell, Ecology

D. B. Jansen, Ecology

R. E. Lerch, WHC

H. E. McGuire, WHC

T. D. Chikalla, PNL